UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,621	05/23/2000	Ryuji Ishiguro	SONY-T0608	2720

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Oblon Spivak McClelland Maier & Neustadt
1755 Jefferson Davis Highway
4th floor
Arlington, VA 22202

EXAMINER
LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
2131	17

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/576,621	ISHIGURO ET AL.
	Examiner	Art Unit
	Christian La Forgia	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *14*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The amendment filed on 19 April 2004 is noted and made of record.

2.   Claims 1-8 are presented for examination.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-8 have been considered but are moot in

view of the new ground(s) of rejection.

3.   See further rejections that follow.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,751,598 to Yagawa et al., hereinafter Yagawa.

6.   As per claims 1, 4, and 5, Yagawa teaches an information processing apparatus

comprising:

storage means for storing content data encrypted with an encryption key (Figures 1

[block 21], 4, 6, 10 [blocks 1, 83]; column 2, lines 28-60; column 5, lines 42-57; column 8, lines

18-30; column 9, lines 22-55; column 12, line 58 to column 13, line 5);

holding means for holding management information associated with said content data

stored in said storage means, wherein said management information includes calculation

information (Figures 1 [block 22], 3 [blocks 44, 46], 5 [blocks 441, 442, 443], 8 [blocks 632,

633, 638], 10 [block 84]; column 5, lines 42-56; column 6, lines 30-55; column 9, lines 7-21;

column 10, line 55 to column 11, line 36; column 13, lines 18-38);

calculation means for performing a predetermined calculation on the basis of said

encryption key and said calculation information, said calculation information including

updatable information which is updated upon execution of a predetermined operation performed

on the content data (Figures 1 [block 46], 3 [block 46], 4 [block 436], 5 [blocks 442, 443], 8

[blocks 632, 633, 638], 10 [block 86]; column 6, lines 30-55; column 8, lines 2-18; column 8,

line 47 to column 9, line 21; column 10, line 55 to column 11, line 37; column 13, line 55 to

column 14, line 43);

memory means for storing the result of the calculation performed by said calculation

means (Figures 1 [block 45], 4 [blocks 436, 437, 438], 5 [blocks 443, 444, 445], 7 [blocks 464,

465, 466], 8 [blocks 633, 634, 635, 636, 637, 638, 639, 640, 641], 10 [block 85]; column 6, lines

30-55; column 8, line 18 to column 9, line 21; column 9, line 56 to column 10, line 8; column 10,

line 40 to column 11, line 37);

control means for comparing the result of the calculation performed by said calculation

means with a previous calculation result stored in said memory means and controlling use of said

content data stored in said storage means in accordance with the result of the comparison

(Figures 1 [block 45], 4 [blocks 436, 437, 438], 5 [blocks 443, 444, 445], 7 [blocks 464, 465,

466], 8 [blocks 633, 634, 635, 636, 637, 638, 639, 640, 641], 10 [block 85]; column 6, lines 30-

55; column 8, line 18 to column 9, line 21; column 9, line 56 to column 10, line 8; column 10,

line 40 to column 11, line 37).

7.   Regarding claims 2 and 7, Yagawa teaches wherein said calculation means performs said

calculation by applying a hash function to said calculation information and said encryption key

(column 8, line 52-57).

8.   As per claim 6, Yagawa teaches an information processing apparatus, comprising:

        a memory configure to hold therein,

                content data encrypted with an encryption key (Figures 1 [block 21], 4, 6, 10

[blocks 1, 83]; column 2, lines 28-60; column 5, lines 42-57; column 8, lines 18-30; column 9,

lines 22-55; column 12, line 58 to column 13, line 5); and

                management information associated with said content data, wherein said

        management information includes calculation information (Figures 1 [block 22], 3

        [blocks 44, 46], 5 [blocks 441, 442, 443], 8 [blocks 632, 633, 638], 10 [block 84]; column

        5, lines 42-56; column 6, lines 30-55; column 9, lines 7-21; column 10, line 55 to column

        11, line 36; column 13, lines 18-38);

        a processor configured to perform a predetermined calculation on the basis of said

encryption key an said calculation information, said calculation information including updatable

information which is updated upon execution of a predetermined operation on said content data,

and store a result of the predetermined calculation (Figures 1 [block 46], 3 [block 46], 4 [block

436], 5 [blocks 442, 443], 8 [blocks 632, 633, 638], 10 [block 86]; column 6, lines 30-55;

column 8, lines 2-18; column 8, line 47 to column 9, line 21; column 10, line 55 to column 11,

line 37; column 13, line 55 to column 14, line 43), wherein

said processor being configured to compare the result of the predetermined calculation

with a previous calculation result and control a use of said content data stored in said storage

means in accordance with the result of the comparison (Figures 1 [block 45], 4 [blocks 436, 437,

438], 5 [blocks 443, 444, 445], 7 [blocks 464, 465, 466], 8 [blocks 633, 634, 635, 636, 637, 638,

639, 640, 641], 10 [block 85]; column 6, lines 30-55; column 8, line 18 to column 9, line 21;

column 9, line 56 to column 10, line 8; column 10, line 40 to column 11, line 37).

Claim Rejections - 35 USC § 103

9.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

10.   Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagawa.

11.   Regarding claims 3 and 8, Yagawa teaches wherein said calculation information includes

identification information identifying said music data (Figures 1 [block 46], 3 [block 46], 4

[block 436], 5 [blocks 442, 443], 8 [blocks 632, 633, 638], 10 [block 86]; column 6, lines 30-55;

column 8, lines 2-18; column 8, line 47 to column 9, line 21; column 10, line 55 to column 11,

line 37; column 13, line 55 to column 14, line 43); and

said holding means holds said update information in an area which is not allowed to be

read or written for a general purpose (Figures 1 [block 22], 3 [blocks 44, 46], 5 [blocks 441, 442,

443], 8 [blocks 632, 633, 638], 10 [block 84]; column 5, lines 42-56; column 6, lines 30-55;

column 9, lines 7-21; column 10, line 55 to column 11, line 36; column 13, lines 18-38).

12.   Yagawa does not teach wherein said content data is music data.

13.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply the invention of Yagawa to music data, since Yagawa states in columns 3 and

4 that the present invention is directed to blocking the piracy of digital data and preventing the use of illegally obtained copies.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15.   The following patents are cited to further show the state of the art with respect to preventing digital piracy, such as:

United States Patent No. 6,314,409 to Schneck et al., which is cited to show controlling access and distribution of digital property.

United States Patent No. 5,822,771 to Akiyama et al., which is cited to show employing memory for a processing unit with regulatory information for limiting the amount of use and the number of backup copies of software.

United States Patent No. 6,067,640 to Akiyama et al., which is cited to show employing memory for a processing unit with regulatory information for limiting the amount of use and the number of backup copies of software

United States Patent No. 5,673,316 to Auerbach et al., which is cited to show creation and distribution of cryptographic envelopes.

United States Patent No. 5,109,413 to Comerford et al., which is cited to show manipulating rights-to-exclude in connection with a software copy protection mechanism.

United States Patent No. 6,591,365 to Cookson, which is cited to show copy protection control system.

United States Patent No. 6,650,761 to Rodriguez et al., which is cited to show

watermarking business cards.

United States Patent No. 6,611,812 to Hurtado et al., which is cited to show secure

electronic content distribution on CDs and DVDs.

United States Patent No. 6,477,134 to Stebbings et al., which is cited to show security

marking system and method for minimizing pirating of data on data media including CDs and

DVDs.

United States Patent No. 6,684,199 to Stebbings et al., which is cited to show security

marking system and method for minimizing pirating of data on data media including CDs and

DVDs

United States Patent No. 6,636,689 to Stebbings et al., which is cited to show security

marking system and method for minimizing pirating of data on data media including CDs and

DVDs

United States Patent No. 6,360,325 to Chao, which is cited to show retarding the

duplication of a data-storage device.

United States Patent No. 5,765,152 to Erickson, which is cited to show managing

copyrighted electronic media.

United States Patent No. 6,345,256 to Milsted et al., which is cited to show automated

method and apparatus to package digital content for electronic distribution using the identity of

the source context.

United States Patent No. 6,081,897 to Bersson, which is cited to show monitoring and

preventing unauthorized copying of digital data.

16.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

18.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christian La Forgia whose telephone number is (703) 305-7704.

The examiner can normally be reached on Monday thru Thursday 7-5.

19.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

20.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian LaForgia
Patent Examiner
Art Unit 2131

clf

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100